

NON-
BIDDING

PROPOSAL

TRANSPORTATION CABINET
Department of Highways
Frankfort, Kentucky 40622

PROPOSAL NO. _____
PROJECT CODE NO. 02-0737

LETTING OF DECEMBER 13, 2002
Sealed Bids will be received in the
Division of Contract Procurement and/or
the Auditorium located on the 1st Floor
of the State Office Building until
10:00 A.M., EST, on DECEMBER 13, 2002.
Bids will be publicly opened and read
at 10:00 A.M., EASTERN STANDARD TIME.

PROJECT IDENTIFICATION AND DESCRIPTION:

MORGAN COUNTY, FD04 088 0007 000-003

The West Liberty-Sandy Hook Road (KY 7) Improve Existing KY 7 from the West Liberty City
Limits extending northerly to KY 519, distance of 2.151 miles.

Grade, Drain and Asphalt Surface.

Status Report Item No. 10-291.00.

(10)

GRAPHIC COORDINATES:

LATITUDE - 37° 56' NORTH

LONGITUDE - 83° 16' WEST

COMPLETION DATE ESTABLISHED FOR PROJECT: 256 WORKING DAYS

LIQUIDATED DAMAGES: SEE STANDARD SPECIFICATIONS

REQUIRED BID PROPOSAL GUARANTY: Not less than 5% of the total bid.

(Check guaranty submitted: Cashier's Check ☐ Certified Check ☐ Bid Bond ☐)

BID BONDS WHEN SUBMITTED WILL BE RETAINED WITH THE PROPOSAL.

INDEX OF CONTENTS

PART	
I	SCOPE OF WORK
II	SPECIAL PROVISIONS APPLICABLE TO PROJECT
III	EMPLOYMENT, WAGE AND RECORD REQUIREMENTS
IV	INSURANCE
V	STATEMENT OF INCOMPLETED WORK AND SUBCONTRACTED WORK
VI	BID ITEMS
VII	CERTIFICATION

BID..... ☐ PROPOSAL ISSUED TO: _____

SPECIMEN..... ☐ _____
Address City State Zip

PART I

SCOPE OF WORK

1. Project Detail

- | | |
|---|----------|
| a. See Road and/or Bridge Plans | |
| b. Special Notes Applicable to Project | Attached |
| c. Supplemental Specifications | Attached |
| d. Special Note for Utility Clearance | Attached |
| e. Department of the Army Corps of Engineers Nationwide
Permit Authorization | Attached |
| f. Special Note for Permits for Waste Site Fills | Attached |

SPECIAL NOTES APPLICABLE TO PROJECT

2000 SPECIFICATIONS

Any reference in the plans or in the proposal to the *Standard Specifications for Road and Bridge Construction, Edition of 1998*, and Standard Drawings, Edition of 1998 are superseded by *Standard Specifications for Road and Bridge Construction, Edition of 2000*, and Standard Drawings, Edition of 2000.

2001 SUPPLEMENTAL SPECIFICATIONS

The *2001 Supplemental Specifications* to the 2000 Standard Specifications for Road and Bridge Construction shall apply to this project.

PROPOSAL ADDENDA

All Addenda to this proposal must be incorporated into the proposal when the bid is submitted to the Kentucky Department of Highways. Failure to use the correct and most recent bid sheet(s) may result in the bid being rejected.

BID SUBMITTAL

Bidder must use the Department's Highway Bid Program available on the internet web site of Department of Highways, Division of Contract Procurement. (www.kytc.state.ky.us/contract)

The Bidder must download the bid items created from the web site to prepare a bid proposal for submission to the Department. The Bidder must insert the completed bid item sheets printed from the Program into the bidder's proposal and submit with the disk created by said program.

JOINT VENTURE BIDDING

Joint Venture bidding is permissible. However, both companies MUST purchase a bidding proposal. Either proposal may be submitted but must contain the company names and signatures of both parties where required. A joint bid bond of 5% may be submitted for both companies or each company may submit a separate bond of 5%.

UNDERGROUND FACILITY DAMAGE PROTECTION

The contractor is advised that the Underground Facility Damage Protection Act of 1994, became law January 1, 1995. It is the contractor's responsibility to determine the impact of the act regarding this project, and take all steps necessary to be in compliance with the provisions of the act.

ASPHALT BASE PRICE

The Asphalt Base Price shall be \$165.00 (English) as applicable in Section 109.07 of the *2000 Standard Specifications*.

OPTION A

The Contractor is advised that the compaction of asphalt mixtures furnished for driving lanes and ramps, at 25mm (1 inch) or greater, on this project will be accepted according to OPTION A in accordance with Section 402 and Section 403 of the *2000 Standard Specification*. The compaction of all other asphalt mixtures will be accepted by OPTION B.

ASPHALT PAVEMENT RIDE QUALITY

Pavement Rideability Requirements shall apply on this project in accordance with Section 410 of the *2000 Standard Specifications*.

**Supplemental Specifications to The Standard Specifications
for Road and Bridge Construction, 2000 Edition
(Effective with the October 25, 2002 Letting)**

Unless stated otherwise, all revisions are to the Standard Specifications for Road and Bridge Construction.

PUBLICATION:	2001 Supplemental Specifications to The Standard Specifications for Road and Bridge Construction.
SUBSECTION:	104.02.02 Overrun and Underrun Formulas.
REVISION:	Void the revision.
SUBSECTION:	104.02.02 Overrun and Underrun Formulas.
REVISION:	Replace the fifth paragraph with the following: For the excessive underrun and overrun quantities, the Department will adjust the payment according to the appropriate following formula:
SUBSECTION:	104.02.02 Overrun and Underrun Formulas.
NUMBER:	3)
REVISION:	Replace the threshold value of 20 percent with 30 percent.
SUBSECTION:	102.07.01 General.
REVISION:	Replace the first sentence with the following: Submit the Bid Proposal on the forms furnished by the Department including the Highway Bid Program bid item sheets and disk created from the Department's internet web site.
SUBSECTION:	102.07.02 Computer Bidding.
REVISION:	Replace the subsection with the following: Subsequent to ordering a Bid Proposal for a specific project, use the Department's Highway Bid Program on the internet web site of the Department of Highways, Division of Contract Procurement. Download the bid item quantities from the Department's web site to prepare a Bid Proposal for submission to the Department. Insert the completed bid item sheets printed from the Highway Bid Program into the Proposal and submit along with the disk created by said program. In case of a dispute, the Bid Proposal and bid item sheets created by the Highway Bid Program take precedence over any bid submittal. Furthermore the Department takes no responsibility for loss, damage of disks or the compatibility with the bidder's computer equipment or software.
SUBSECTION:	102.08 IRREGULAR BID PROPOSALS.
REVISION:	Add the following to the first set of items: 4) Fails to submit a disk created from the Highway Bid Program
SUBSECTION:	102.08 IRREGULAR BID PROPOSALS.
REVISION:	Replace 1) of the second set of items with the following: 1) when the Bid Proposal is on a form other than that furnished by the Department or printed from other than the Highway Bid Program, or when the form is altered or any part is detached.
SUBSECTION:	112.03.01 General Traffic Control.
PART:	D) Temporary Traffic Signals.
REVISION:	Replace the MUTCD reference "Section 4B" with "Chapter 4D"
SUBSECTION:	212.03.03 Permanent Seeding and Protection.
PART:	A) Seed Mixtures for Permanent Seeding.
REVISION:	Replace with the following: A) Seed Mixture for Permanent Seeding. Use seed Mixture No. I or as the Contract specifies. Mixture No. I: 75% Kentucky 31 Fescue (<i>Festuca arundinacea</i>) 10% Red Top (<i>Agrostis alba</i>) 5% White Dutch Clover (<i>Trifolium repens</i>) 10% Ryegrass, perennial (<i>Lolium perenne</i>)

**Supplemental Specifications to The Standard Specifications
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SUBSECTION:	212.03.03 Permanent Seeding and Protection.
PART:	C) Crown Vetch.
REVISION:	Replace the first sentence with the following: Sow crown vetch seed on all areas having a slope 3:1 or steeper and consisting of soil or mixtures of broken rock and soil.
SUBSECTION:	212.03.03 Permanent Seeding and Protection.
PART:	E) Erosion Control Blanket.
REVISION:	Replace the first sentence with the following: Install erosion control blankets in ditches, except those to be paved or rock lined, to a flow depth of 1.5 feet.
SUBSECTION:	402.03.02 Acceptance.
PART:	C) Setup.
REVISION:	Add the following after the second sentence: For mixtures with a total-project quantity between 500 and 1,000 tons, perform a minimum of one process control test for AC, AV, and VMA, and report the results to the Engineer.
SUBSECTION:	402.03.03 Verification.
REVISION:	Replace the first two sentences with the following: For volumetric properties, the Department will perform a minimum of one verification test for AC, AV, and VMA for each lot according to the corresponding procedures as given in Subsection 402.03.02. For specialty mixtures, the Department will perform one AC and one gradation determination per lot according to the corresponding procedures as given in Subsection 402.03.02. However, Department personnel will not perform AC determinations according to KM 64-405.
SUBSECTION:	403.02.06 Transport Equipment.
REVISION:	Add the following after the first sentence: Do not load trucks that are contaminated with an unapproved release agent. When such contamination is identified after loading, reject the load. In either case, remove the truck and respective driver from the project for the duration of the project.
SUBSECTION:	403.03.03 Preparation of Mixture.
PART:	A) Mixture Composition.
REVISION:	Replace the second sentence with the following: Conform to the gradation requirements (control points) of AASHTO MP2 for the Superpave mixture type the Contract specifies.
SUBSECTION:	403.03.03 Preparation of Mixture.
PART:	C) Mix Design Criteria.
REVISION:	Replace the first sentence with the following: Conform to the gradation requirements (control points) of AASHTO MP2 for the Superpave mixture.
SUBSECTION:	403.03.03 Preparation of Mixture.
PART:	C) Mix Design Criteria.
NUMBER:	2) Selection of Optimum AC.
REVISION:	Add the following: Ensure the optimum AC is a minimum of 5.0 percent by weight of the total mixture for all 0.5-inch nominal surface mixtures and 5.3 percent by weight of the total mixture for all 0.38-inch nominal surface mixtures.
SECTION:	403.03.06 Thickness Tolerance.
TABLE:	Nominal Maximum Size of Mixture vs. Thickness Range
REVISION:	Delete

**Supplemental Specifications to The Standard Specifications
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SUBSECTION:	403.03.09 Leveling and Wedging, and Scratch Course.																			
PART:	A) Leveling and Wedging.																			
REVISION:	Replace the first sentence with the following: Conform to the gradation requirements (control points) for base, binder, or surface as applicable.																			
SUBSECTION:	403.03.09 Leveling and Wedging, and Scratch Course.																			
PART:	B) Scratch Course.																			
REVISION:	Replace the second sentence with the following: Conform to the gradation requirements (control points) for base, binder, or surface as the Engineer directs.																			
SECTION:	404 OPEN-GRADED FRICTION COURSE																			
TABLE:	LOT PAY ADJUSTMENT SCHEDULE FOR SPECIALTY MIXTURES																			
REVISION:	Replace the table with the table on the last page of this supplement.																			
SUBSECTION:	409.02 MATERIALS AND EQUIPMENT.																			
REVISION:	Replace "KM 64-427" with the following: the guidelines in Subsection 409.03.02																			
SUBSECTION:	409.03.01 Restrictions.																			
REVISION:	Add the following sentence: When the mixture's bid item specifies PG 76-22, limit RAP content to 20 percent or less.																			
PUBLICATION:	2001 Supplemental Specifications to The Standard Specifications for Road and Bridge Construction.																			
SUBSECTION:	409.03.02 Preparation of Mixture.																			
PART:	A) Mix Requirements.																			
REVISION:	Void the Revision and replace with the following: Conform to the Contract requirements for each mixture produced using RAP. If mixtures produced using RAP do not conform to the requirements for that mixture, complete the project using all virgin materials at no additional expense to the Department. Conform to the following table to select the appropriate grade of virgin asphalt binder to blend with the RAP:																			
<table><tr><th rowspan="2">Mixture's Bid Item</th><th colspan="3">Appropriate Virgin Asphalt Binder</th></tr><tr><th>0-20% RAP</th><th>21-30% RAP</th><th>>30% RAP</th></tr><tr><td>PG 76-22</td><td>PG 76-22</td><td>-</td><td>-</td></tr><tr><td>PG 70-22</td><td>PG 70-22</td><td>PG 64-22</td><td>*</td></tr><tr><td>PG 64-22</td><td>PG 64-22</td><td>PG 64-22</td><td>*</td></tr></table> <p>* Select according to KM 64-427</p>		Mixture's Bid Item	Appropriate Virgin Asphalt Binder			0-20% RAP	21-30% RAP	>30% RAP	PG 76-22	PG 76-22	-	-	PG 70-22	PG 70-22	PG 64-22	*	PG 64-22	PG 64-22	PG 64-22	*
Mixture's Bid Item	Appropriate Virgin Asphalt Binder																			
	0-20% RAP	21-30% RAP	>30% RAP																	
PG 76-22	PG 76-22	-	-																	
PG 70-22	PG 70-22	PG 64-22	*																	
PG 64-22	PG 64-22	PG 64-22	*																	
SUBSECTION:	611.03.02 Precast Unit Construction.																			
REVISION:	Replace the first sentence with the following: Construct units according to ASTM C 1433 with the following exceptions and additions:																			
PUBLICATION:	2001 Supplemental Specifications to The Standard Specifications for Road and Bridge Construction.																			
SUBSECTION:	701.03.05 Joints.																			
PART:	B) Corrugated Metal Pipe.																			
REVISION:	Void the Revision and replace with the following: Construct joints using a band with annular corrugations and a bolt, bar and strap connection. Use a minimum nominal band width of 12 inches for all pipe diameters 54 inches and smaller. Use a two-piece band with a minimum nominal width of 20 inches for all pipe diameters greater than 54 inches. Manufacture the band from the same base materials as the pipe. The pipe bands may be up to two gauges lighter than the pipe it is joining, with a minimum gauge thickness of 16. The Department may allow dimple band connections for field cut pipe. Install the connecting bands according to the manufacturer's written recommendations.																			

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SUBSECTION:	710.02 MATERIALS.
REVISION:	Add the following Subsection: 710.02.15 High Density Polyethylene (HDPE) Adjusting Rings. Conform to Section 846.
SUBSECTION:	710.03.01 Newly Constructed Small Drainage Structures.
PART:	A) General.
REVISION:	Replace the last sentence of the sixth paragraph with the following: Use precast concrete, precast concrete pipe sections, cast-in-place, brick, or HDPE adjusting rings for adjustment of existing manholes according to the Standard Specifications.
SUBSECTION:	710.03.03 Adjusted Small Drainage Structures.
REVISION:	Add the following sentence to the end of the first paragraph: For HDPE adjusting rings, install and seal according to the manufacturer's recommendations.
SUBSECTION:	713.03 CONSTRUCTION.
REVISION:	Replace the MUTCD references to "Part III" with "Part 3"
SUBSECTION:	714.03 CONSTRUCTION.
REVISION:	Replace the MUTCD references to "Part III" with "Part 3" and figure references to "3-11 and 3-12" with "3B-8 and 3B-9"
SUBSECTION:	714.03.01 Layout.
REVISION:	Replace the MUTCD reference to "Part III" with "Part 3"
PUBLICATION:	2001 Supplemental Specifications to The Standard Specifications for Road and Bridge Construction.
SUBSECTION:	714.05 PAYMENT.
REVISION:	Replace with the following: The Department will make payment upon completion of the work. If after the proving period the markings do not meet minimum retroreflectivity requirements, the Department will adjust the payment or require corrective work according to the following:
SUBSECTION:	718.01 DESCRIPTION.
REVISION:	Replace the second sentence with the following: See Section 3C.01 of the MUTCD for a general description.
SUBSECTION:	807.02.03 Joint Sealer for Ridged Pipe.
PART:	B) Rubber Gaskets.
REVISION:	Replace with the following: B) Butyl Rubber Sealants. Furnish butyl rubber sealants conforming to the materials, manufacture, and physical requirements for sealants in AASHTO M 198, Section 6.2. Use only products from the Department's List of Approved Materials.
SUBSECTION:	807.02.03 Joint Sealer for Ridged Pipe.
PART:	C) Flexible Plastic Gaskets.
REVISION:	Replace with the following: C) Rubber Gaskets. Furnish rubber gaskets conforming to the materials, manufacture, and physical requirements for gaskets in AASHTO M 315. Use only products from the Department's List of Approved Materials.

**Supplemental Specifications to The Standard Specifications
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SECTION: 846 HIGH DENSITY POLYETHYLENE (HDPE) ADJUSTING RINGS
REVISION: Add the following New Section:

SECTION 846 HIGH DENSITY POLYETHYLENE (HDPE) ADJUSTING RINGS

846.01 RESIN. Use a recycled polyethylene plastic or virgin resin producing a molded part meeting the following requirements:

Melt Flow Index (ASTM D 1238)	4.0-10.0 g/10min
Density (ASTM D 792)	0.941-0.965 g/cm ³
Tensile (ASTM D 638)	2000-5000 lb/in ²
ESCR (ASTM D 1693)	Condition C

846.02 LOADING. Ensure the adjustment rings meet or exceed the loading requirements of AASHTO'S Standard Specification for HS-25 wheel loading for Highway Bridges.

SECTION: 827.04 PERMANENT SEED.
REVISION: Replace with the following:

827.04 PERMANENT SEED. Conform to the requirements outlined in the "Kentucky Seed Law and Provisions for Seed Certification in Kentucky" and the "Regulations under the Kentucky Seed Law", with following exceptions:

1. Obtain seed only through registered dealers that are permitted for labeling of seed.
2. Ensure all deliveries/shipments of premixed seed are accompanied with a master blend sheet.
3. The Department may sample the seed at the job site at any time.
4. Ensure all bags and containers have an acceptable seed tag attached.

Do not use seed (grasses, native grasses and legumes) if the weed seed is over 2%, total germination (including hard seed) is less than 60%, if the seed test date is over 9 months old exclusive of the month tested, or if the limits of noxious weed seed is exceeded.

Ensure that noxious weed seeds contained in any seed or seed mixture does not exceed the maximum permitted rate of occurrence per pound.

<u>Name of Kind</u>	<u>(per pound)*</u>	<u>Max. No. Seeds</u>
Balloon Vine (Cardiospermum Halicacabum)	0	
Purple Moonflower (Ipomoea turbinata)	0	
Canada Thistle (Cirsium Arvense)	0	
Johnsongrass (Sorghum Halepense and Sorghum Alnum and perennial rhizomatous derivatives of these species)	0	
Quackgrass (Elytrigia Repens)	0	
Annual Bluegrass (Poa Annua)	256	
Buckhorn Plantain (Plantago lanceolata)	304	
Corncockle (Agrostemma Githago)	192	
Dodder (Cuscuta spp.)	192	
Giant Foxtail (Setaria Faberii)	192	
Oxeye Daisy (Chrysanthemum leucanthemum)	256	
Sorrel (Rumex Acetosella)	256	
Wild Onion and Wild Garlic (Allium spp.)	96	

* Seed or seed mixtures that contain in excess of 480 total noxious seeds per pound is prohibited

Wildflower seed shall not be planted until approved by the MCL.

**Supplemental Specifications to The Standard Specifications
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LOT PAY ADJUSTMENT SCHEDULE FOR SPECIALTY MIXTURES (TEST DEVIATION FROM JMF)		
	Pay Value	Deviation From JMF (%)
Asphalt Binder Content	1.00	0.0-0.5
	0.98	0.6
	0.95	—
	0.90	0.7
	0.85	0.8
	0.75	≥ 0.9
1 1/2 inch Sieve	1.00	0-13
	0.98	14
	0.95	15-16
	0.90	17-20
	0.85	21-23
	0.75	≥ 24
1 inch, 3/4 inch, and 1/2 inch Sieves	1.00	0-9
	0.98	10
	0.95	11-12
	0.90	13-14
	0.85	15-16
	0.75	≥ 17
3/8 inch, No. 4, No. 8, No. 16, and No. 30 Sieves	1.00	0-8
	0.98	9
	0.95	10
	0.90	11-12
	0.85	13-14
	0.75	≥ 15
No. 50 Sieve	1.00	0-6
	0.98	7
	0.95	8
	0.90	9
	0.85	10
	0.75	≥ 11
No. 100 Sieve	1.00	0-3
	0.98	—
	0.95	4
	0.90	5
	0.85	—
	0.75	≥ 6
No. 200 Sieve	1.00	0.0-2.0
	0.98	2.5
	0.95	3.0
	0.90	—
	0.85	3.5
	0.75	≥ 4.0
Fineness Modulus	1.00	0.0-0.30
	0.98	0.31-0.34
	0.95	0.35-0.39
	0.90	0.40-0.46
	0.85	0.47-0.55
	0.75	≥ 0.56

**UTILITY NOTES TO BE INCLUDED IN THE PROPOSAL
SPECIAL NOTES FOR UTILITY CLEARANCE
IMPACT ON CONSTRUCTION**

Morgan County
FD04 088 61292 01 U
West Liberty-Sandy Hook road (KY 7)
Item No. 10-291.00

The following utility companies have facilities to be relocated and /or adjusted on subject project.

Licking Valley RECC - The Electric Company anticipates the completion of their relocation work by April 01, 2003. The road contractor will be unable to work from Rt. KY.7 ML. Sta. 150+00 to Lt. KY 7. ML. Sta. 155+00, Lt. Sta. 35+00 to Lt. Sta. 47+00 on Approach Lt. of ML. Sta. 217+50, Rt. Sta. 36+00 to Rt. Sta. 46+50 on Approach Lt. of ML. Sta. 159+50, Rt. KY.7 ML. Sta. 235+50, until permission is given by the Resident Engineer. Company contact person: Larry Easterling, Superintendent of Operations (606) 743-3179.

Mountain Telephone - The Telephone Company anticipates completion of their relocation work by June 01, 2003. The road contractor will be unable to work from Lt. KY.7 ML. Sta. 125+ 00 to Lt. KY. 7 ML. Sta. 133+50, Lt. Sta. 35+00 to Lt. Sta. 47+00 on Approach Lt. of ML. Sta. 217+00, Rt. KY.7 ML. Sta. 151+00 to Lt. ML. Sta. 155+00, until permission is given by the Resident Engineer. Company contact person: Mr. William Walter, Engineering Department (606) 743-3121

Adelphia Communications - The Television Company anticipates completion of their relocation work by July 01, 2003. The road contractor will be unable to work from Rt. Sta. 36+00 to Rt. Sta. 45+00 on KY.7 Approach Lt. ML. Sta. 159+50, until permission is given by the Resident Engineer. Company contact person: Mr. Earl Finley, Construction Coordinator (859) 624-9666.

West Liberty Water Works - The West Liberty Water Work's relocation will be included in the road contract.

There are no railroads involved on subject project.

PROTECTION OF UTILITIES

The location of utilities provided in the contract document has been furnished by the facility owners and/or by reviewing record drawings and may not be accurate. It will be the roadway contractor's responsibility to locate utilities before excavating by calling the various utility owners and by examining any supplemental information supplied by the Cabinet. If necessary, the roadway contractor shall determine the exact location and elevation of utilities by hand digging to expose utilities before excavating in the area of a utility. The cost for repair and any other associated costs for any damage to utilities caused by the roadway contractor's operations shall be borne by the roadway contractor.

The Contractor is advised to contact BUD one-call system: however, the Contractor should aware that owners of underground facilities are not required to be members of the BUD one-call system. It may necessary for the Contractor to contact the County Court Clerk to determine what utility companies have facilities in the project area.

N O T I C E

**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
(NATIONWIDE PERMIT AUTHORIZATION)**

PROJECT: Morgan County, Item No. 10-291.00
KY-7 Reconstruction, from the West Liberty
city limits to KY-519

The Section 404 activities for this project have been previously permitted under the authority of the Department of the Army Nationwide Permit No. 14 "*LINEAR TRANSPORTATION CROSSINGS*" in accordance with 33 CFR 330, Appendix A, Part B. In order for this authorization to be valid, the conditions for the Nationwide Permit must be followed. The contractor shall post a copy of these Nationwide Permits in a conspicuous location at the project site for the duration of construction and comply with the attached conditions as required.

To more readily expedite construction, the contractor may elect to alter the design or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain **written** permission from the Division of Construction and the Corps of Engineers. A copy of any request to the Corps of Engineers to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.

July 22, 2002

Operations Division
Regulatory Branch (South)
ID No. 200200383-teh

Mr. Keith Crim
Commonwealth of Kentucky Transportation Cabinet
Frankfort, Kentucky 40622

Dear Mr. Crim:

This is in response to your request for authorization of the construction of a new three span bridge over Elk Fork and the placement of seven culverts along tributaries of the Licking River for the relocation of KY-7. The proposed impacts will be located from the city limits of West Liberty north to KY-519. You have proposed submitting an in-lieu fee of \$397,415.00 to the Kentucky Department of Fish and Wildlife Resources for mitigating 2,400 linear feet of intermittent stream impacts. The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 404 of the Clean Water Act.

Your project is considered a discharge of backfill or bedding material for a road crossing. The project is authorized under the provisions of 33 CFR 330 A Nationwide Permit (NWP) No. 14, Linear Transportation Crossings, as published in the Federal Register January 15, 2002. Under the provisions of this authorization you must comply with the enclosed:


1. Terms for Nationwide Permit No. 14;
2. Nationwide Permit General Conditions
3. Water Quality Certification (WQC) Conditions for Nationwide Permit No. 14 dated March 17, 2002, issued by the Kentucky Division of Water.
4. A fifty (50) foot buffer (marked by orange construction fencing or better) shall be established around the archaeological site known as Elk Fork Site (FS1 02 or Sta. 226+65) until such time as cultural resource clearance is obtained from the Kentucky State Historic Preservation Officer and the Louisville District Corps of Engineers. Six (6) copies of the Phase I and II report on the KY 7 realignment are to be provided to the Louisville District for review and coordination. No construction activities associated with the realignment of KY 7 is allowed within the buffer area or on the archaeological site until this clearance is obtained; and

5. No activities are allowed to proceed in which the discharge of dredged or fill materials are entered into the "waters of the United States", until a receipt of in-lieu fee deposit with the Kentucky Department of Fish and Wildlife Resources, is on file.

Once you obtain your certification, or if no application was required, you may proceed with the project without further contact or verification from us. The enclosed Compliance Certification should be signed and returned when the project is completed. This decision is valid for 2 years from the date of this letter. If your project is not completed within this 2-year period or if your project is modified you must contact us for another permit determination. A copy of this letter is being sent to the Division of Water.

If you have any questions, please contact me by writing to the above address, ATTN: CELRL-OP-FS, or by calling (606) 642-3404. Any correspondence on this matter should refer to our ID No. 200200383-teh.

Sincerely,




Todd Hagman
Regulatory Specialist
Regulatory Branch

Enclosure

Copy Furnished:

Hagman/OP-FS/nw14-KY.wp.A1

Sparks/OP-FS 

Compliance Certification:

Permit Number: 200200383-teh

Name of Permittee: Keith Crim

Date of Issuance: 17 July 2002

Upon completion of the activity authorized by this permit and any mitigation required by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
CELRL-OP-FS
845 Sassafras Creek Road
Sassafras, Kentucky 41759

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

ADDRESS FOR COORDINATING AGENCY

Mr. Jeffery Pratt, Director
Division of Water
Natural Resources and Environmental
Protection Cabinet
18 Reilly Road, Ash Building
Frankfort, Kentucky 40601

Terms for Nationwide Permit No. 14

Linear Transportation Projects.

Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, airport runways, and taxiways) in waters of the US, including wetlands, if the activity meets the following criteria:

- a. This NWP is subject to the following acreage limits:
 - (1) For linear transportation projects in non-tidal waters, provided the discharge does not cause the loss of greater than 1/2-acre of waters of the US;
or
 - (2) For linear transportation projects in tidal waters, provided the discharge does not cause the loss of greater than 1/3-acre of waters of the US.
- b. The permittee must notify the District Engineer in accordance with General Condition 13 if any of the following criteria are met:
 - (1) The discharge causes the loss of greater than 1/10-acre of waters of the US; or
 - (2) There is a discharge in a special aquatic site, including wetlands;
- c. The notification must include a compensatory mitigation proposal to offset permanent losses of waters of the US to ensure that those losses result only in minimal adverse effects to the aquatic environment and a statement describing how temporary losses will be minimized to the maximum extent practicable;
- d. For discharges in special aquatic sites, including wetlands, and stream riffle and pool complexes, the notification must include a delineation of the affected special aquatic sites;

- e. The width of the fill is limited to the minimum necessary for the crossing;
- f. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21);
- g. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and
- h. The crossing is a single and complete project for crossing waters of the US. Where a road segment (i.e., the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the Corps will consider whether it should use its discretionary authority to require an Individual Permit. (Sections 10 and 404)

Note: Some discharges for the construction of farm roads, forest roads, or temporary roads for moving mining equipment may be eligible for an exemption from the need for a Section 404 permit (see 33 CFR 323.4).

C. Nationwide Permit General Conditions

The following General Conditions must be followed in order for any authorization by an NWP to be valid:

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.

2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

4. Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.

7. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

8. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Water Quality. (a) In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)).

(b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water

quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWP).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coastal Zone Management. In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).

11. Endangered Species. (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their world wide web pages at <http://www.fws.gov/r9endspp/endspp.html> and http://www.nfms.noaa.gov/prot_res/overview/es.html respectively.

12. Historic Properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic

property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification.

(a) Timing; where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified in writing by the District or Division Engineer that an Individual Permit is required; or

(3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Notification: The notification must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s); Regional General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

(5) For NWP 7 (Outfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed;

(6) For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable;

(7) For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are

minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

(8) For NWP 27 (Stream and Wetland Restoration Activities), the PCN must

include documentation of the prior condition of the site that will be reverted by the permittee;

(9) For NWP 29 (Single-Family Housing), the PCN must also include:

(i) Any past use of this NWP by the Individual Permittee and/or the permittee's spouse;

(ii) A statement that the single-family housing activity is for a personal residence of the permittee;

(iii) A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring $\frac{1}{4}$ -acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than $\frac{1}{4}$ -acre in size, formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

(iv) A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

(10) For NWP 31 (Maintenance of Existing Flood Control Facilities), the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five year (or less) maintenance plan. In addition, the PCN must include all of the following:

(i) Sufficient baseline information identifying the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

(ii) A delineation of any affected special aquatic sites, including wetlands; and,

(iii) Location of the dredged material disposal site;

(11) For NWP 33 (Temporary Construction, Access, and Dewatering), the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources;

(12) For NWPs 39, 43 and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization for losses of waters of the US were achieved on the project site;

(13) For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal to offset losses of waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(14) For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear-

feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent non-tidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

(15) For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(16) For NWP 44 (Mining Activities), the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for all aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities);

(17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

(c) Form of Notification: The standard Individual Permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

(d) District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the

proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an Individual Permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

(e) Agency Coordination: The District Engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than $\frac{1}{2}$ -acre of waters of the US, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. As required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to NMFS within 30 days of receipt of any Essential Fish

Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) Wetland Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps (For NWP 29 see paragraph (b)(9)(iii) for parcels less than $\frac{1}{4}$ -acre in size). The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

(a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed $\frac{1}{3}$ -acre).

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).

19. Mitigation. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

(a) The project must be designed and constructed to avoid and minimize adverse effects to waters of the US to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be

required for all wetland impacts requiring a PCN, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

(d) Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, $\frac{1}{4}$ -acre of wetlands cannot be created to change a $\frac{3}{4}$ -acre loss of wetlands to a $\frac{1}{2}$ -acre loss associated with NWP 39 verification. However, $\frac{1}{2}$ -acre of created wetlands can be used to reduce the impacts of a $\frac{1}{2}$ -acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

(e) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted with the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

(h) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the

maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such

discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWP's 39, 40, 42, 43, and 44.

(b) Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWP's 39, 40, 42, and 44.

(c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date maybe requested. This request must be submitted at least one month before the previously approved completion date.

General Certification--Nationwide Permit #14--Road Crossings

This General Certification is issued on March 17, 2002, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A (B) (14), namely road crossings provided that the following conditions are met:

1. Individual road culvert or bridges, either for public or private purposes, that exceed 200 linear feet in width shall require an individual Water Quality Certification.
2. Stream and riparian impacts will be limited to the minimum necessary to construct the road crossing. For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.
3. All equipment access and excavations within a stream, necessary to complete a road-crossing project, shall be done in such a manner as to prevent degradation of waters of the Commonwealth. Temporary equipment crossing structures shall be constructed with sufficient pipe capacity so as not to impede normal stream flow.
4. Stream bed gravel and rock shall not be used for construction material.
5. The stream crossing structure shall be constructed in such a manner that does not impede the movement of aquatic organisms. The bottom of any culverts shall be level with the stream bed.
6. This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.

7. Stream impacts covered under this nationwide permit and undertaken by those persons defined as an agricultural operation under the Agricultural Water Quality Act must be completed in compliance with the Kentucky Agricultural Water Quality Plan.

Non-compliance with the conditions of this general certification or violation of Kentucky water quality standards may result in civil penalties. This general certification will expire on March 19, 2007, or sooner if the COE makes significant changes to this nationwide permit.

SPECIAL NOTE
PERMITS FOR WASTE SITE FILLS

The following is added to the requirements of Section 204.03.08 of the Specifications regarding Disposal of Wasted Material:

All waste sites for this project are to be reviewed by the U.S. Army Corps of Engineers, Louisville District. Waste sites will not be approved until the Corps of Engineers has determined whether the fill will impact jurisdictional waters of the United States. If the Corps of Engineers determines jurisdictional waters will be impacted, a permit as required by Section 404 of the Clean Water Act must be obtained by the contractor prior to any filling activities within the jurisdictional waters. As determined by the Corps of Engineers, approval under Section 401 of the Clean Water Act may also be required. The Section 401 (Water Quality Certification) approvals are secured through the Kentucky Division of Water and shall also be the responsibility of the contractor.

The Corps of Engineers includes ephemeral streams, intermittent streams, and perennial streams, in the definition of jurisdictional waters. These stream types are typically located in sites that are used for hollow fills.

The Louisville District of the Corps of Engineers has indicated that Individual Permits will be required, in most cases, for hollow fill waste sites. Individual Permits require mitigation for the loss of streams and wetlands that are a result of fill activities.

The contractor is responsible for obtaining permits required by the Corps of Engineers and the Kentucky Division of Water for waste site fills that are the responsibility of the contractor. The contractor is also responsible for any subsequent work required in the development of, and resulting from, obtaining the necessary approvals including mitigation.

11/21/02

PART II

SPECIAL PROVISIONS APPLICABLE TO PROJECT

SPECIAL PROVISION NO.

TITLE

69 Embankment at End Bent Structure (1-1-2000)

attached

SPECIAL PROVISION FOR EMBANKMENT AT BRIDGE END BENT STRUCTURES

This Special Provision will apply when indicated on the plans or in the proposal. Section references herein are to the Department's 2000 Standard Specifications for Road and Bridge Construction. Apply the metric figures for projects designed in metric and English figures for projects designed in English.

1.0 DESCRIPTION. Construct a pile core and granular embankment at end bent structures. Construct the pile core and granular embankment according to the requirements of this Special Provision and the Plans, Standard Drawings, and the 1998 Standard Specifications. Construct structure granular backfill and granular embankment, as the Plans require.

2.0 MATERIALS.

2.1 Pile Core. Conform to the Standard Specifications for embankment materials and, in addition, ensure the material is free of boulders larger than 75-mm (3-inch) maximum dimension or any other obstructions which would interfere with the driving of piles. The Department will permit Granular Embankment material provided the 75-mm (3-inch) maximum dimension is not exceeded.

When the plans specify core construction with granular embankment material, ensure that no material within the limits of the core exceeds the 75-mm (3-inch) maximum dimension.

2.2 Granular Embankment. Conform to Subsection 805.10. When Granular Embankment materials are erodible or unstable according to Subsection 805.12 Part G), use the Special Construction Methods found in 3.2.

2.3 Structure Granular Backfill. Conform to Subsection 805.11.

2.4 Geotextile Fabric. Conform to Table I in Section 843.

3.0 CONSTRUCTION.

3.1 General. Construct roadway embankments at end bents according to Section 206 and in accordance with the Plans and Standard Drawings for full embankment section. After constructing the embankment, excavate for the end bent cap, drive piling, place the mortar bed, construct the end bent, and complete the embankment to finish grade according to the construction sequence shown on the Plans or Standard Drawings and as specified hereinafter.

After piles are driven (see design drawings), slope the bottom of the excavation towards the ends of the trench as noted on the plans for drainage. Using a separate pour, place concrete mortar, or any class concrete, to provide a base for forming and placing the cap. Place side forms for the end bent after the

mortar has set sufficiently to support workmen and forms without being disturbed.

Install 100-mm (4-inch) perforated pipe according to the plans. In the event slope protection extends above the elevation of the perforated pipe, extend the pipe through the slope protection.

After placing the end bent cap and removing adjacent forms, fill the excavation with structure granular backfill material to the level of the berm prior to placing beams for the bridge. After completing the end bent backwall, or after completing the span end wall, place the structure granular backfill to subgrade elevation. If the original excavation is enlarged, fill the entire volume with compacted structure granular backfill at no expense to the Department. Do not place backfill before removing adjacent form work. Place structure granular backfill material in trench ditches at the ends of the excavation.

Do not allow individual fragments larger than 100 mm (4 inches) in any dimension within 900 mm (36 inches) of the structure.

Tamp the backfill with hand tampers, pneumatic tampers, or other means the Engineer approves. Thoroughly compact the backfill under the overhanging portions of the structure to ensure that the backfill is in intimate contact with the sides of the structure.

Place and compact the pile core, granular embankment, and structure granular backfill according to the applicable density requirements for the project.

Do not allow seeding, sodding, or other vegetation to the exposed granular embankment.

3.2 Special Construction Methods. Erodible or unstable materials may erode even when protected by riprap or channel lining; use the special construction method described below when using these materials.

Use fine aggregates or friable sandstone granular embankment at "dry land" structures only. Do not use them at stream crossings or locations subject to flood waters.

When using material having 50 percent or more passing the 4.75 mm sieve (No. 4) for embankment, install 200 mm (8 inch) perforated underdrain pipe at or near the elevation of the original ground in the approximate locations depicted on the standard drawing and as the Engineer directs, to ensure positive drainage of the embankment. Wrap the perforated pipe with geotextile fabric of a type recommended by the pipe manufacturer. Construct headwalls on the outlet end of each perforated pipe.

For erodible or unstable materials having 50 percent or more passing the 4.75 mm sieve (No. 4), protect with geotextile fabric. Extend the fabric from the original ground to the top of slope over the entire area of the embankment slopes on each side of, and in front of, the end bent. Cover the fabric with at least 300 mm (one foot) of non-erodible material.

For erodible or unstable materials having 50 percent or less passing a 4.75 mm sieve (No. 4), cover with at least 300 mm (one foot) of non-erodible material.

Where erodible or unstable granular embankment will be protected by

riprap or channel lining, place geotextile fabric between the embankment and the specified slope protection.

4.0 MEASUREMENT.

4.1 Pile Core. The Department will measure the quantity of material for the pile core as Roadway Excavation, Embankment-in-Place, or Borrow Excavation, as applicable. The Department will not measure overhaul of material for the pile core or for any necessary manipulation such as stockpiling or double hauling for payment and will consider it incidental to the pile core construction.

4.2 Granular Embankment. The Department will measure the quantity in cubic meters (cubic yards) using the design quantity, increased or decreased by authorized adjustments as specified in Subsections 204.04.01 and 204.04.02. The Department will deduct the volume of the pile core from the quantity of Granular Embankment.

The Department will not measure furnishing and placing 200-mm perforated pipe and headwalls placed due to the use of erodible material for payment and will consider them incidental to the Granular Embankment.

The Department will not measure for payment any special construction caused by using erodible or unstable materials and will consider it incidental to the Granular Embankment regardless of whether the erodible or unstable material was specified or permitted.

4.3 Structure Granular Backfill. The Department will measure the quantity in cubic meters (cubic yards) using the design quantity, increased or decreased by authorized adjustments as specified in Subsections 204.04.01 and 204.04.02. The Department will not measure any additional material required for backfill outside the limits shown on the Plans and Standard Drawings for payment and will consider it incidental to the work.

When following construction sequence "A", as shown on the Standard Drawings, the Department will not measure structure excavation at the end bent for payment and will consider it incidental to Structure Granular Backfill.

The Department will not measure furnishing and placing the 100-mm (4-inch) perforated underdrain pipe for payment and will consider it incidental to the Structure Granular Backfill.

4.4 Geotextile Fabric. When the plans require geotextile fabric to be placed outside the limits of granular embankment, then measurement and payment for the fabric outside the limits of granular embankment will be in accordance with requirements elsewhere in the Contract.

4.5 End Bent. The Department will measure the quantities according to the Contract. The Department will not measure furnishing and placing the 50-mm (2-inch) mortar or concrete bed for payment and will consider it incidental

to the end bent construction.

4.6 Roadway Excavation. See Subsection 204.04.

4.7 Embankment-in-Place. See Subsection 206.05.

4.8 Borrow Excavation. See Subsection 205.05.

5.0 PAYMENT. The Department will make payment for the completed and accepted quantities under the following:

<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>
2200	Roadway Excavation	See Section 204.05
2230	Embankment-in-Place	See Section 206.05
2210	Borrow Excavation	See Section 205.05
2231	Structure Granular Backfill	Cubic Meter (Cubic Yards)
----	Granular Embankment	Cubic Meter (Cubic Yards)

The Department will consider payment as full compensation for all work required in this provision.

January 1, 2000

PART III

EMPLOYMENT, WAGE AND RECORD REQUIREMENTS
(Copies of each Attached)

1. Schedule of Minimum Wages Established for the Project.
2. Labor and Wage Requirements, applicable to other than Federal-Aid System Contracts. (Rev. 2-16-95)
3. Executive Branch Code of Ethics.

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

**SHEET ONE
LETTING: 12-13-2002**

PROJECT WAGE RATES

MORGAN COUNTY, FD04 088 0007 000-003

The West Liberty-Sandy Hook Road (KY 7)

Grade, Drain and Asphalt Surface

CRAFTS	BASIC HOURLY RATES	FRINGE BENEFIT PAYMENTS COMBINED
Boilermakers	24.65	12.94
Bricklayers.....	20.35	6.30
Stone Mason.....	18.95	6.30
Carpenters	18.85	6.30
Cement Masons	18.70	6.30
Electricians	*22.60	6.97

*When workmen are required to work from bosum chairs, trusses, stacks, tanks, scaffolds, catwalks, radio and T.V. towers, structural steel (open, unprotected, unfloored raw steel), and bridges or similar hazardous locations where workmen are subject to a direct fall, except where using JLG's and bucket trucks up to 75 feet: Add 25% to workman's base rate for 50 to 75 feet, and add 50% to workman's base rate for over 75 feet.

Ironworkers: Structural.....	18.95	6.30
Ironworkers: Reinforcing.....	18.75	6.30
Painters.....	20.55	6.30
Piledrivers.....	18.50	6.30
Plumbers.....	22.52	6.30

Surveyors:

Survey Party Chief (Engineer)..... 12.34

Survey Party Operatives..... 7.21

(Instrumentmen, Rodmen, etc.)

Welders - Receive rate for craft in which welding is incidental.

LABORERS:

General laborer, flagman, steam jenny.

BASE RATE 16.90

FRINGE BENEFITS 6.30

Batch truck dumper, deck hand or scow man.

BASE RATE 17.15

FRINGE BENEFITS 6.30

Power driven tool operator of the following: wagon drill, chain saw, sand blaster, concrete chipper, pavement breaker, vibrator, power wheelbarrow, power buggy, sewer pipe layer, bottom men, dry cement handler, concrete rubber, mason tender.

BASE RATE 17.25

FRINGE BENEFITS 6.30

Two/State

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET TWO 12-13-2002

MORGAN COUNTY, FD04 088 0007 000-003

LABORERS: (continued)

Asphalt lute and rakerman, side rail setter.	BASE RATE	17.30
	FRINGE BENEFITS	6.30
Gunnite nozzle man, gunnite operator.	BASE RATE	17.40
	FRINGE BENEFITS	6.30
Tunnel laborer (free air).	BASE RATE	17.45
	FRINGE BENEFITS	6.30
Tunnel mucker (free air)	BASE RATE	17.50
	FRINGE BENEFITS	6.30
Hand blade operator	BASE RATE	17.65
	FRINGE BENEFITS	6.30
Tunnel miner, blaster and driller (free air).	BASE RATE	17.85
	FRINGE BENEFITS	6.30
Caisson worker	BASE RATE	18.40
	FRINGE BENEFITS	6.30
Powderman	BASE RATE	18.50
	FRINGE BENEFITS	6.30
Drill operator of percussion type drills which are both powered and propelled by an independent air supply.	BASE RATE	19.70
	FRINGE BENEFITS	6.30

TRUCK DRIVERS AND RELATED CLASSIFICATIONS:

Truck helper and warehouseman.	BASE RATE	17.15
	FRINGE BENEFITS	6.30
Driver, winch truck and A-Frame when used in transporting materials.	BASE RATE	17.25
	FRINGE BENEFITS	6.30
Driver (semi-trailer or pole trailer), driver (dump truck, tandem axle), driver of distributor.	BASE RATE	17.35
	FRINGE BENEFITS	6.30

Two/State

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET THREE 12-13-2002

MORGAN COUNTY, FD04 088 0007 000-003

TRUCK DRIVERS AND RELATED CLASSIFICATIONS: (continued)

Driver on mixer trucks (all types).	BASE RATE	17.40
	FRINGE BENEFITS	6.30

Truck mechanic	BASE RATE	17.45
	FRINGE BENEFITS	6.30

Driver (3 tons and under), tire changer and truck mechanic helper.	BASE RATE	17.48
	FRINGE BENEFITS	6.30

Driver on pavement breakers.	BASE RATE	17.50
	FRINGE BENEFITS	6.30

Driver (over 3 tons), driver (truck mounted rotary drill).	BASE RATE	17.69
	FRINGE BENEFITS	6.30

Driver, Euclid and other heavy earth moving equipment and Low Boy.	BASE RATE	18.26
	FRINGE BENEFITS	6.30

Greaser on greasing facilities.	BASE RATE	18.35
	FRINGE BENEFITS	6.30

OPERATING ENGINEERS:

Auto patrol, batcher plant, bituminous paver, cable-way, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), roller (earth), roller (rock), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift (regardless of lift height), all types of boom cats, multiple operator, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, sheep foot, sideboom, throttle-valve man, rotary drill, power generator, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, tugger, backfiller guries, self-propelled compactor, self-contained hydraulic percussion drill.

	BASE RATE	20.25
	FRINGE BENEFITS	6.30

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET FOUR 12-13-2002

MORGAN COUNTY, FD04 088 0007 000-003

OPERATING ENGINEERS: (continued)

All air compressors (200 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, articulating trucks.

BASE RATE 18.50
FRINGE BENEFITS 6.30

Greaser on grease facilities servicing heavy equipment.

BASE RATE 18.35
FRINGE BENEFITS 6.30

Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, tamping machine, tractors (under 50 H.P.), vibrator, oiler, air compressors (under 200 cu. ft. per min. capacity), concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver.

BASE RATE 17.76
FRINGE BENEFITS 6.30

Fringe benefit amounts are applicable for all hours worked except when otherwise noted.

No laborer, workman or mechanic shall be paid at a rate less than that of the General Laborer except those classified as bona fide apprentices registered with the Kentucky State Apprenticeship Supervisor unless otherwise specified in this schedule of wage rates.

These rates are listed pursuant to the Kentucky Determination No. CR-01-II HWY dated August 6, 2002. Apprentices or trainees shall be permitted to work as such subject to Administrative Regulations adopted by the Commissioner of Workplace Standards. Copies of these regulations will be furnished upon request from any interested person.

Before using apprentices on the job the contractor shall present to the Contracting Officer written evidence of registration of such employees in a program of a State apprenticeship and training agency approved and recognized by the U. S. Bureau of Apprenticeship and Training. In the absence of such a State agency, the contractor shall submit evidence of approval and registration by the U. S. Bureau of Apprenticeship and Training.

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET FIVE 12-13-2002

MORGAN COUNTY, FD04 088 0007 000-003

The contractor shall submit to the Contracting Officer, written evidence of the established apprenticeship-journeyman ratios and wage rates in the project area, which will be the basis for establishing such ratios and rates for the project under the applicable contract provisions.

TO: EMPLOYERS/EMPLOYEES

PREVAILING WAGE SCHEDULE:

The wages indicated on this wage schedule are the least permitted to be paid for the occupations indicated. When an employee works in more than one classification, the employer must record the number of hours worked in each classification at the prescribed hourly base rate.

OVERTIME:

Overtime is to be paid after an employee works eight (8) hours a day or forty (40) hours a week, whichever gives the employee the greater wages. At least time and one-half the base rate is required for all overtime. A laborer, workman or mechanic and an employer may enter into a written agreement or a collective bargaining agreement to work more than eight (8) hours a calendar day but not more than ten (10) hours a calendar day for the straight time hourly rate. Wage violations or questions should be directed to the designated Engineer or to the undersigned.

Rick Stansel, Director
Division of Contract Procurement
Frankfort, Kentucky 40622

TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS

LABOR AND WAGE REQUIREMENTS
APPLICABLE TO OTHER THAN FEDERAL-AID SYSTEM PROJECTS

- I. Application
- II. Nondiscrimination of Employees (KRS 344)
- III. Payment of Predetermined Minimum Wages
- IV. Statements and Payrolls

I. APPLICATION

1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work or by subcontract. The contractor's organization shall be construed to include only workmen employed and paid directly by the contractor and equipment owned or rented by him, with or without operators.

2. The contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Provisions and such other stipulations as may be required.

3. A breach of any of the stipulations contained in these Required Provisions may be grounds for termination of the contract.

II. NONDISCRIMINATION OF EMPLOYEES

AN ACT OF THE KENTUCKY
GENERAL ASSEMBLY TO PREVENT
DISCRIMINATION IN EMPLOYMENT
KRS CHAPTER 344
EFFECTIVE JUNE 16, 1972

The contract on this project, in accordance with KRS Chapter 344, provides that during the performance of this contract, the contractor agrees as follows:

1. The contractor shall not fail or refuse to hire, or shall not discharge any individual, or otherwise discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, disability or age (between forty and seventy); or limit, segregate, or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, national origin, sex, disability or age (between forty and seventy). The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

2. The contractor shall not print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, national origin, sex, disability or age (between forty and seventy), except that such notice or advertisement may indicate a preference, limitation, or specification based on religion, or national origin when religion, or national origin is a bona fide occupational qualification for employment.

3. If the contractor is in control of apprenticeship or other training or retraining, including on-the-job training programs, he shall not discriminate against an individual because of his race, color, religion, national origin, sex, disability or age (between forty and seventy), in admission to, or employment in

any program established to provide apprenticeship or other training.

4. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for non-compliance.

III. PAYMENT OF PREDETERMINED
MINIMUM WAGES

1. These special provisions are supplemented elsewhere in the contract by special provisions which set forth certain predetermined minimum wage rates. The contractor shall pay not less than those rates.

2. The minimum wage determination schedule shall be posted by the contractor, in a manner prescribed by the Department of Highways, at the site of the work in prominent places where it can be easily seen by the workers.

IV. STATEMENTS AND PAYROLLS

1. All contractors and subcontractors affected by the terms of KRS 337.505 to 337.550 shall keep full and accurate payroll records covering all disbursements of wages to their employees to whom they are required to pay not less than the prevailing rate of wages. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of one (1) year from the date of completion of this contract.

2. The payroll records shall contain the name, address and social security number of each employee, his correct classification, rate of pay, daily and weekly number of hours worked, itemized deductions made and actual wages paid.

3. The contractor shall make his daily records available at the project site for inspection by the State Department of Highways contracting office or his authorized representative.

Periodic investigations shall be conducted as required to assure compliance with the labor provisions of the contract. Interrogation of employees and officials of the contractor shall be permitted during working hours.

Aggrieved workers, Highway Managers, Assistant District Engineers, Resident Engineers and Project Engineers shall report all complaints and violations to the Division of Contract Procurement.

The contractor shall be notified in writing of apparent violations. The contractor may correct the reported violations and notify the Department of Highways of the action taken or may request an informal hearing. The request for hearing shall be in writing within ten (10) days after receipt of the notice of the reported violation. The contractor may submit records and information which will aid in determining the true facts relating to the reported violations.

Any person or organization aggrieved by the action taken or the findings established as a result of an informal hearing by the Division of Contract Procurement may request a formal hearing.

4. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payments, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

5. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

6. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

7. Every employee on the work covered by this contract shall be permitted to lodge, board, and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall directly or indirectly require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

8. Every employee on the project covered by this contract shall be an employee of either the prime contractor or an approved subcontractor.

9. No charge shall be made for any transportation furnished by the contractor or his agents to any person employed on the work.

10. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks or other equipment from individuals.

No Covered employee may be employed on the work except in accordance with the classification set forth in the schedule mentioned above; provided, however, that in the event additional classifications are required, application shall be made by the contractor to the Department of Highways and (1) the Department shall request appropriate classifications and rates from the proper agency, or (2) if there is urgent need for additional classification to avoid undue delay in the work, the contractor may employ such workmen at rates deemed comparable to rates established for similar classifications provided he has made written application through the Department of Highways, addressed to the proper agency, for the supplemental rates. The contractor shall retroactively adjust, upon receipt of the supplemental rates schedule, the wages of any employee paid less than the established rate and may adjust the wages of any employee overpaid.

11. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any work-week in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such work-week unless such laborer or mechanic receives compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such work-week. A laborer, workman or mechanic and an employer may enter into a written agreement or a collective bargaining agreement to work more than eight (8) hours a calendar day but not more than ten (10) hours a calendar day for the straight time hourly rate. This agreement shall be in writing and shall be executed prior to the employee working in excess of eight (8) hours, but not more than ten (10) hours, in any one (1) calendar day.

12. Payments to the contractor may be suspended or withheld due to failure of the contractor to pay any laborer or mechanic employed or working on the site of the work, all or part of the wages required under the terms of the contract. The Department may suspend or withhold payments only after the contractor has been given written notice of the alleged violation and the contractor has failed to comply with the wage determination of the Department of Highways.

13. Contractors and subcontractors shall comply with the sections of Kentucky Revised Statutes, Chapter 337 relating to contracts for Public Works.

Revised 2-16-95

EXECUTIVE BRANCH CODE OF ETHICS

In the 1992 regular legislative session, the General Assembly passed and Governor Brereton Jones signed Senate Bill 63 (codified as KRS 11A), the Executive Branch Code of Ethics, which states, in part:

KRS 11A.040 (6) provides:

No present or former public servant shall, within six (6) months of following termination of his office or employment, accept employment, compensation or other economic benefit from any person or business that contracts or does business with the state in matters in which he was directly involved during his tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he was involved prior to taking office or beginning his term of employment, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved in state government. This subsection shall not prohibit the performance of ministerial functions, including, but not limited to, filing tax returns, filing applications for permits or licenses, or filing incorporation papers.

KRS 11A.040 (8) states:

A former public servant shall not represent a person in a matter before a state agency in which the former public servant was directly involved, for a period of one (1) year after the latter of:

- a) The date of leaving office or termination of employment; or
- b) The date the term of office expires to which the public servant was elected.

This law is intended to promote public confidence in the integrity of state government and to declare as public policy the idea that state employees should view their work as a public trust and not as a way to obtain private benefits.

If you have worked for the executive branch of state government within the past six months, you may be subject to the law's prohibitions. The law's applicability may be different if you hold elected office or are contemplating representation of another before a state agency.

Also, if you are affiliated with a firm which does business with the state and which employs former state executive-branch employees, you should be aware that the law may apply to them.

In case of doubt, the law permits you to request an advisory opinion from the Executive Branch Ethics Commission, Room 136, Capitol Building, 700 Capitol Avenue, Frankfort, Kentucky 40601; telephone (502) 564-7954.

PART IV

INSURANCE

The Contractor shall carry the following insurance in addition to the insurance required by law:

- (1) Contractor's Public Liability Insurance not less than \$100,000.00 for damages arising out of bodily injuries to or death to one person. Not less than \$300,000.00 for damages arising out of bodily injuries to or death to two or more persons.
- (2) Contractor's Property Damages Liability Insurance. Not less than \$100,000.00 for all damages arising out of injury or destruction of property in any one accident. Not less than \$300,000.00 for all damages during the policy period.
- (3) Contractor's Protective Public Liability and Property Damage Insurance. The contractor shall furnish evidence with respect to operations performed for him by subcontractors that he carries in his own behalf for the above stipulated amounts.
- (4) The insurance required above must be evidenced by a Certificate of Insurance and this Certificate of Insurance must contain one of the following statements:
 - a. "policy contains no deductible clauses."
 - b. "policy contains a _____ deductible property
(amount)
damage clause but company will pay claim and collect
the deductible from the insured."
- (5) WORKMEN'S COMPENSATION INSURANCE. The contractor shall furnish evidence of coverage of all his employees or give evidence of self-insurance by submitting a copy of a certificate issued by the Workmen's Compensation Board.

PART V

STATEMENT OF INCOMPLETED WORK

1. Status of Active Prime Contracts.

Attached

1. STATUS OF ALL INCOMPLETED PRIME CONTRACTS

All active prime contracts must be reported. This includes prime contracts with public and private owners and joint-ventured contracts. The names of the joint venturers must be shown when reporting these projects. A machine or typed listing reporting the status of each contract is acceptable when attached to this report; however, the total amounts on the itemized listing must be reported in the space provided below:

CONTRACT WITH	PROJECT IDENTIFICATION	PRIME CONTRACT AMOUNT	EARNINGS THROUGH LAST APPROVED ESTIMATE	TOTAL AMOUNT OF WORK REMAINING
TOTAL (Attach Summary if not itemized above)		\$	\$	\$

PART VI

BID ITEMS

THE QUANTITY SHEET(S) REPRESENTS THE ESTIMATED QUANTITIES (ONLY) FOR THE SUBJECT PROJECT.
PROPOSAL(S) MAY NOT BE AVAILABLE WHEN THE QUANTITIES ARE POSTED.
YOUR BID **WILL NOT** BE CONSIDERED IF THESE SHEET(S) ARE MADE A PART OF THE BID PROPOSAL
WHICH YOU SUBMIT TO THE KENTUCKY DEPARTMENT OF HIGHWAYS.

TRANSPORTATION CABINET

Department of Highways

FRANKFORT, KY 40622

Sheet No: 1

PCN: 02-0737

Letting: 12/13/2002

MORGAN COUNTY

FD04 088 0007 000-003

Item No.	Code No.	Item	Approximate Quantity	Unit	Unit Price Dollars	Amount Dollars
		BRIDGE AND CULVERT QUANTITIES				
1	2231	STRUCTURE GRANULAR BACKFILL	94.00	CU YD		
2	8002	STRUCTURE EXCAV-SOLID ROCK	134.00	CU YD		
3	2998	MASONRY COATING	2,028.00	SQ YD		
4	8100	CONCRETE-CLASS A	625.10	CU YD		
5	8104	CONCRETE-CLASS AA	597.60	CU YD		
6	8019	CYCLOPEAN STONE RIP RAP	2,293.00	TON		
7	8050	PILES-STEEL HP14X73	909.00	LIN FT		
8	8039	PRE-DRILLING FOR PILES	1,495.00	LIN FT		
9	8033	TEST PILES	75.00	LIN FT		
10	8151	STEEL REINF-EPOXY COATED	208,753.00	LB		
11	8150	STEEL REINFORCEMENT	96,907.00	LB		
12	8636	PRECAST 60 INCH PCI BEAM-MOD (TYPE 5)	1,721.70	LIN FT		
13	8095	PILE POINTS-14 INCH	38.00	EACH		
14	2596	FABRIC-GEOTEXTILE TYPE I	2,293.00	SQ YD		
15	8160	STRUCTURAL STEEL (APPROX 1744 LBS)	1.00	LP SUM		
16	8003	FOUNDATION PREPARATION	1.00	LP SUM		
		ROADWAY QUANTITIES				
17	2200	ROADWAY EXCAVATION	4,544,245.00	CU YD		
18	2242	WATER	100.00	M GAL		
19	8100	CONCRETE-CLASS A	83.26	CU YD		

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TRANSPORTATION CABINET

Department of Highways

FRANKFORT, KY 40622

Sheet No: 2

PCN: 02-0737

Letting: 12/13/2002

MORGAN COUNTY

FD04 088 0007 000-003

Item No.	Code No.	Item	Approximate Quantity	Unit	Unit Price Dollars	Amount Dollars
20	8150	STEEL REINFORCEMENT	5,833.00	LB		
21	2692	SETTLEMENT PLATFORM	1.00	EACH		
22	2351	GUARDRAIL-STEEL W BEAM-S FACE	13,450.00	LIN FT		
23	2360	GUARDRAIL TERMINAL SECT NO 1	7.00	EACH		
24	2367	GUARDRAIL END TREATMENT TYPE 1	27.00	EACH		
25	2363	GUARDRAIL CON TO BR END TYPE A	4.00	EACH		
26	6510	PAVE STRIPING-TEMP PAINT-4 IN	7,080.00	LIN FT		
27	6514	PAVE STRIPING-PERM PAINT-4 IN	66,262.00	LIN FT		
28	6570	PAVE MRKG-PAINT CROSS-HATCH	9,000.00	SQ FT		
29	6574	PAVE MRKG-PRE THERM CURV ARROW	6.00	EACH		
30	2562	SIGNS	162.00	SQ FT		
31	2091	REMOVING PAVEMENT	7,790.00	SQ YD		
32	0462	CULVERT PIPE-18 INCH	62.00	LIN FT		
33	0464	CULVERT PIPE-24 INCH	410.00	LIN FT		
34	0466	CULVERT PIPE-30 INCH	276.00	LIN FT		
35	0469	CULVERT PIPE-42 INCH	258.00	LIN FT		
36	0471	CULVERT PIPE-54 INCH	1,336.00	LIN FT		
37	0473	CULVERT PIPE-66 INCH	331.00	LIN FT		
38	0475	CULVERT PIPE-78 INCH	434.00	LIN FT		
39	0520	STORM SEWER PIPE-12 INCH	8.00	LIN FT		
40	0521	STORM SEWER PIPE-15 INCH	134.00	LIN FT		
41	0522	STORM SEWER PIPE-18 INCH	91.00	LIN FT		

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TRANSPORTATION CABINET

Department of Highways

FRANKFORT, KY 40622

Sheet No: 3

PCN: 02-0737

Letting: 12/13/2002

MORGAN COUNTY

FD04 088 0007 000-003

Item No.	Code No.	Item	Approximate Quantity	Unit	Unit Price Dollars	Amount Dollars
42	0524	STORM SEWER PIPE-24 INCH	112.00	LIN FT		
43	0528	STORM SEWER PIPE-36 INCH	41.00	LIN FT		
44	0440	ENTRANCE PIPE-15 INCH	66.00	LIN FT		
45	0441	ENTRANCE PIPE-18 INCH	76.00	LIN FT		
46	0443	ENTRANCE PIPE-24 INCH	100.00	LIN FT		
47	0980	SLOTTED DRAIN PIPE-12 INCH	74.00	LIN FT		
48	1000	PERFORATED PIPE-4 INCH	1,000.00	LIN FT		
49	1002	PERFORATED PIPE-8 INCH	1,064.00	LIN FT		
50	1012	NON-PERFORATED PIPE-8 INCH	666.00	LIN FT		
51	1022	PERF PIPE HEADWALL TY 1-8 INCH	12.00	EACH		
52	1030	PERF PIPE HEADWALL TY 3-8 INCH	2.00	EACH		
53	3340	STEEL PIPE-2 1/2 INCH	40.00	LIN FT		
54	3343	STEEL PIPE-4 INCH	40.00	LIN FT		
55	1480	CURB BOX INLET TYPE B	1.00	EACH		
56	1490	DROP BOX INLET TYPE 1	7.00	EACH		
57	1587	DROP BOX INLET TYPE 16S	1.00	EACH		
58	1450	S & F BOX INLET-OUTLET-18 INCH	1.00	EACH		
59	1370	METAL END SECTION TY 1-15 INCH	1.00	EACH		
60	1373	METAL END SECTION TY 1-24 INCH	2.00	EACH		
61	1645	JUNCTION BOX-36 INCH	2.00	EACH		
62	5985	SEEDING AND PROTECTION	30,300.00	SQ YD		
63	5953	TEMP SEEDING AND PROTECTION	30,300.00	SQ YD		

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TRANSPORTATION CABINET

Department of Highways

FRANKFORT, KY 40622

Sheet No: 4

PCN: 02-0737

Letting: 12/13/2002

MORGAN COUNTY

FD04 088 0007 000-003

Item No.	Code No.	Item	Approximate Quantity	Unit	Unit Price Dollars	Amount Dollars
64	5989	SPECIAL SEEDING CROWN VETCH	60,600.00	SQ YD		
65	5966	TOPDRESSING FERTILIZER	2.00	TON		
66	2704	SILT TRAP TYPE B	32.00	EACH		
67	2707	CLEAN SILT TRAP TYPE B	96.00	EACH		
68	2705	SILT CHECK	32.00	EACH		
69	2708	CLEAN SILT CHECK	96.00	EACH		
70	2701	TEMPORARY SILT FENCE	19,020.00	LIN FT		
71	2709	CLEAN TEMPORARY SILT FENCE	57,060.00	LIN FT		
72	9277	SILT CHECK TY 2 MOD	1.00	EACH		
73	9278	CLEAN SILT CHECK TY 2 MOD	3.00	EACH		
74	2488	CHANNEL LINING CLASS IV	10,009.00	CU YD		
75	2434	R/W MARKER RURAL TYPE 1	55.00	EACH		
76	2440	R/W MARKER MUNICIPAL TYPE 1A	2.00	EACH		
77	0003	CRUSHED STONE BASE	29,215.00	TON		
78	0001	D G A BASE	3,292.00	TON		
79	0020	TRAFFIC BOUND BASE	1,192.00	TON		
80	0291	EMULSIFIED ASPHALT RS-2	27.10	TON		
81	0100	ASPHALT SEAL AGGREGATE	226.00	TON		
82	0205	CL3 ASPH BASE 1.50D PG64-22	14,012.00	TON		
83	0214	CL3 ASPH BASE 1.00D PG64-22	12,373.00	TON		
84	0223	CL3 ASPH BASE 0.75D PG64-22	3,287.00	TON		
85	0212	CL2 ASPH BASE 1.00D PG64-22	6,336.00	TON		

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TRANSPORTATION CABINET

Department of Highways

FRANKFORT, KY 40622

Sheet No: 5

PCN: 02-0737

Letting: 12/13/2002

MORGAN COUNTY

FD04 088 0007 000-003

Item No.	Code No.	Item	Approximate Quantity	Unit	Unit Price Dollars	Amount Dollars
86	0220	CL1 ASPH BASE 0.75D PG64-22	1,493.00	TON		
87	0324	CL3 ASPH SURF 0.50B PG64-22	4,056.00	TON		
88	0312	CL3 ASPH SURF 0.50D PG64-22	504.00	TON		
89	9330	CL2 ASPH SURF 0.5D PG64-22	2,112.00	TON		
90	0300	CL1 ASPH SURF 0.38D PG64-22	208.00	TON		
91	2545	CLEARING AND GRUBBING (82 ACRES)	1.00	LP SUM		
92	2726	STAKING	1.00	LP SUM		
93	2650	MAINTAIN AND CONTROL TRAFFIC	1.00	LP SUM		
		WATERLINE SUMMARY				
94	3383	PVC PIPE-4 INCH	2,355.00	LIN FT		
95	3391	PVC PIPE-12 INCH	595.00	LIN FT		
96	3442	DUCTILE IRON FITTINGS	2,250.00	LB		
97	3464	TIE-IN, 4 INCH	6.00	EACH		
98	3472	TIE-IN, 12 INCH	4.00	EACH		
99	9704	CONC FOR CRADLE,ANCHOR,ENCASE	13.00	CU YD		
100	9705	REM & REPLACE WATER MAIN (4")	55.00	LIN FT		
101	2568	MOBILIZATION	1.00	LP SUM		
102	2569	DEMOBILIZATION	1.00	LP SUM		
103		TOTAL BID			\$.

PART VII

CERTIFICATIONS

- | | | |
|----|---|----------|
| 1. | Provisions Relative to Senate Bill 258 (1994) | Attached |
| 2. | Non-Collusion Certification | Attached |
| 3. | Certification of Bid Proposal | Attached |

PROVISIONS RELATIVE TO SENATE BILL 258 (1994)

During the performance of the contract, the contractor agrees to comply with applicable provisions of:

1. KRS 136 Corporation and Utility Taxes
2. KRS 139 Sale and Use Taxes
3. KRS 141 Income Taxes
4. KRS 337 Wages and Hours
5. KRS 338 Occupational Safety and Health of Employees
6. KRS 341 Unemployment Compensation
7. KRS 342 Workers Compensation

Any final determinations of a violation by the contractor within the previous five (5) years pursuant to the applicable statutes above are revealed as follows:

NON-COLLUSION CERTIFICATION

COMMONWEALTH OF KENTUCKY
COUNTY _____
PROJECT NO. _____

I, _____, _____, under
(Name of officer signing certification) (Title)

penalty of perjury under the laws of the United States, do hereby certify that

(Insert name of Individual, Joint Venture, Co-partnership, or Corporation submitting bid)

its agent, officers or employees have not directly or indirectly entered into any
agreement, participated in any collusion, or otherwise taken action in restraint of free
competitive bidding in connection with this proposal.

(Signature)

(Title)

REVISED: 8-23-89

NON-COLLUSION CERTIFICATION

COMMONWEALTH OF KENTUCKY
COUNTY _____
PROJECT NO. _____

I, _____, _____, under
(Name of officer signing certification) (Title)

penalty or perjury under the laws of the United States, do hereby certify that

(Insert name of Individual, Joint Venture, Co-partnership, or Corporation submitting bid)

its agent, officers or employees have not directly or indirectly entered into any
agreement, participated in any collusion, or otherwise taken action in restraint of free
competitive bidding in connection with this proposal.

(Signature)

(Title)

REVISED: 8-23-89

CERTIFICATION OF BID PROPOSAL

We (I) propose to furnish all labor, equipment and materials necessary to construct and/or improve the subject project in accordance with the plans, the Transportation Cabinet's Standard Specifications for Road and Bridge Construction, current edition, special provisions, notes applicable to the project as indicated herein and all addenda issued on this project subsequent to purchase of proposal.

We (I) attach a bid proposal guaranty as provided in the special provisions in an amount not less than 5% of the total bid. We agree to execute a contract in accordance with this bid proposal within 15 calendar days after the receipt of the notice of award for the project.

We (I) have examined the site of proposed work, project plans, specifications, special provisions, and notes applicable to the project referred to herein. We understand that the quantities shown herein are estimated quantities subject to increase or decrease as provided in the specifications.

Name of Contracting Firm

BY:

Authorized Agent

Title

Address

City

State

Zip Code

Telephone Number

When two or more organizations bid as a joint venture, enter names of each organization and an authorized agent for each organization must sign above.